

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Benjamin Wright,

Petitioner,

Case No. 1:21cv726

v.

Judge Michael R. Barrett

Warden, North Central
Correctional Complex,

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on September 26, 2022 (Doc. 20).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties may forfeit rights on appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 20) have been filed and the time to do so has expired.

Accordingly, it is **ORDERED** that the R&R (Doc. 20) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, since Wright’s Petition was untimely filed, it is barred by 28 U.S.C. § 2254(d) and is **DISMISSED** with prejudice. The Petitioner is **DENIED** certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would

be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett, Judge
United States District Court